

RC # 38

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Before the

FEDERAL COMMUNICATIONS COMMISSION JAN 23 1998

Washington, D.C. 20554

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In the Matter of)

The Development of Operational, Technical, and)
Spectrum Requirements for Meeting Federal, State)
and Local Public Safety Agency Communications)
Requirements Through the Year 2010)

WT Docket No. 96-86

Establishment of Rules and Requirements)
For Priority Access Service)

To: The Commission

**REPLY COMMENTS
of the
STATE OF CALIFORNIA**

The State of California (herein after referred to as the State), as represented by the California Department of General Services, Telecommunications Division, hereby submits these Reply Comments in response to comments filed with the Commission by December 24, 1997, in the above-captioned docket.

Goals for Public Safety Communications

The potential for spectrum relief for public safety agencies in the 746 to 806 MHz range is clearly a unique opportunity for the public safety community and the Commission to design rules and procedures at the outset that will assist in

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meeting communications needs well into the next century. While clearly not all needs can be met with this limited amount of spectrum, it is an excellent start. It is imperative that the 24 MHz of spectrum be used in the most efficient manner possible to the benefit of all public safety agencies at the local, state and federal government levels. However, the critical need exists at the local and state levels and it is here that the Commission needs to focus on the development of operational rules for voice and low speed data applications only.

Private enterprise should not be considered as potential licensees in this spectrum. Nextel states that "Allowing commercial entities to provide communications services for public safety providers would promote competition in the public safety services as commercial entities would compete to fulfill this marketplace need."¹ Public safety does not need competition for this spectrum as there will be ample competition within the public safety community without having to deal with private, for-profit providers which may or may not build out systems. If private providers wish to meet the needs of a bona fide public safety agency, they could build out systems under the license held by such agency. In addition, there is an additional 36 MHz of spectrum available to private providers to construct and provide alternative services to public safety.

Interoperability is a critical need for many agencies and is a cornerstone for the existing planning of public safety agencies in state government in California. All public safety agencies (including federal agencies and emergency service providers that may provide emergency response such as

¹ Nextel Comments at page 6

utilities, railroads, etc.) should be permitted to use interoperability channels for both mobile and portable applications under the authority of the license granted to the bona fide public safety agency. There is little evidence to support the need for a total of 2.5 MHz to be set aside for interoperability purposes in the 746 to 806 MHz spectrum. There is, however, a serious need for interoperability below 512 MHz. At present, the Commission has in place a migration strategy to move channel spacing to 12.5 kHz and eventually to 6.25 KHz. In order to provide increased interoperability relief in spectrum below 512 MHz, the Commission should require that as licensees move from below 512 MHz to new or existing spectrum above 746 MHz, that such spectrum below 512 MHz be treated as "give back" for the purpose of enhancing interoperability capabilities in the lower bands. In addition, procedures such as those used in California (wherein the State licenses the fixed stations and other users are approved to use the channels) have worked extremely well and should be specifically authorized under the rules for this spectrum. Federal users and others such as utilities should not, however, be authorized to license directly on the "general use" channels. Nonetheless, these users should be allowed to operate as a guest of the state or local public safety agency in both the interoperability and general use channels, with the concurrence of the license holder. In addition, trunking should not be permitted on the interoperability channels.

As a result of the limited amount of spectrum relief offered to public safety, it is imperative that it be as efficient as possible. To that end, the

Commission should initially require that 12.5 kHz spacing be utilized and that standards (which have been established and are nearing final approvals under APCO Project 25) be adopted for this new spectrum for interoperability use.

In the past, the Commission has adopted rules that would split sections of any new spectrum into specific bands for specific services (except in the NPSPAC proceeding). As a result, some spectrum has been under used or stranded. As such, the Commission should not break this spectrum by band, but instead allow the spectrum to be used as needed by the public safety community. The State's position is that the need for wide area services should be given considerable weight by the Commission in the development of operational rules for this spectrum.

In order to more effectively utilize this spectrum, the Commission should approve regional planning groups (such as those utilized during the NPSPAC proceeding) which have a better understanding of local needs and requirements. While this process may not have been completely successful in all regions, the foundation is in place to emulate the more productive regions and to formulate comprehensive regional plans. These regions should not be predicated solely on state boundaries in that some regions would and do encompass multi state activities. The two regions in California under the NPSPAC process worked extremely well. Consideration should be given to redefining those regions where this process did not work well. Large states may have to be broken up and smaller states grouped together. So called "super regions" should not be

considered, as this would only add an additional level review and bureaucracy which tend to only lengthen the planning process.

Respectfully Submitted:

A handwritten signature in cursive script that reads "Pete Wanzenried".

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January 26, 1998